

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

IN RE LITHIUM ION BATTERIES
ANTITRUST LITIGATION,

Case No. 4:13-md-02420 YGR (DMR)

MDL No. 2420

This Documents Relates to:

DECLARATION OF CAMERON R. AZARI,
ESQ., REGARDING NOTICE OF THE
SETTLEMENT DISTRIBUTION PLAN

ALL INDIRECT PURCHASER
ACTIONS

I, Cameron R. Azari, Esq., hereby declare and state as follows:

1. My name is Cameron R. Azari, Esq. I have personal knowledge of the matters set forth herein, and they are true and correct to the best of my knowledge.

2. I am a nationally recognized expert in the field of legal notice and I have served as an expert in hundreds of federal and state court cases involving class action notice plans.

3. I am the Director of Legal Notice for Hilsoft Notifications (“Hilsoft”), a firm that specializes in designing, developing, analyzing and implementing large-scale, un-biased, legal notification plans. Hilsoft is a business unit of Epiq Class Action & Claims Solutions, Inc. (“Epiq”). In June 2018, Epiq completed an acquisition of Garden City Group (“GCG”). Epiq and GCG have merged as one company, now Epiq. Under my direction, Hilsoft serves as the expert legal notice consulting firm for both entities, continuing through the completion of the merger.

4. I have been directly and personally involved in all of the notice planning here, including analysis of the individual notice options and the media audience data, determining the most effective mixture of media required to reach the greatest practicable number of Settlement Class Members and design of the Notice Program (or “Notice Plan” or “Plan”) to effectively communicate the Settlement Distribution Plan. The facts in this declaration are based on what I personally know, as well as information provided to me in the ordinary course of my business by my colleagues at Hilsoft, GCG and Epiq.

5. This declaration describes the Notice Plan for the Notice of the Settlement Distribution Plan ordered by the Court for *In Re Lithium Ion Batteries Antitrust Litigation*, Case No. 4:13-md-02420 YGR (DMR), MDL No. 2420. Previously, in the “*Declaration of Cameron R. Azari, Esq., Regarding Implementation and Adequacy of Class Notice Program*,” dated May 5, 2020, I provided detailed information regarding the implementation of the Class Notice Program designed by Hilsoft. ECF No. 2613-5. In the “*Declaration of Cameron R. Azari, Esq. Regarding Proposed Plan of Allocation Class Notice Program*,” dated December 10, 2019, I provided detailed information regarding the proposed Class Notice Program designed by Hilsoft. ECF No. 2566-6. In the “*Declaration of Cameron R. Azari, Esq. on Implementation and Adequacy of Class Notice Program*,” dated June 11, 2019, I detailed the successful implementation of the Settlement Notice Program for settlements with the SDI, TOKIN, Toshiba, and Panasonic Defendants (the “Round 3 Settlements”). ECF No. 2501-9. In the “*Declaration of Cameron R. Azari, Esq. Regarding Proposed Class Notice Program*,” dated January 24, 2019, I detailed Hilsoft’s class action notice experience and attached Hilsoft’s curriculum vitae. I also provided my educational and professional experience relating to class actions and my ability to render opinions on overall adequacy of notice programs. ECF No. 2459-2.

6. On August 27, 2020, the Court issued the Order Directing Further Notice Regarding Settlement Distribution Plan (“Order”). I have reviewed the Order and it is my understanding that the Court wants notice provided to all IPP Settlement Class Members regarding the plan for allocation and distribution of funds for all three rounds of settlements: defendant Sony (the “Round 1 Settlement”); defendants LG Chem, Ltd. and LG Chem America,

1 Inc. (“LG Chem”), Hitachi Maxell Ltd. and Maxell Corporation of America (“Hitachi Maxell”),
 2 and NEC Corporation (“NEC”) (the “Round 2 Settlements”); and defendants Panasonic,
 3 Samsung, Sanyo, Tokin, and Toshiba defendants (“the Round 3 Settlements”). In the Order, the
 4 Court ruled that “the fairest path forward is to notify all IPP Settlement Class Members that the
 5 Court intends to exercise its discretion to provide a plan of allocation and distribution of the
 6 settlement funds from all settlements in this matter consistent with its August 16, 2019 Order, in
 7 which the Court approved a plan for allocation and distribution of the settlement funds as follows:

8 First, 90 percent of the settlement funds will be allocated toward Class
 9 Members who are residents from so-called *Illinois Brick* repealer states, and
 10 the remaining 10 percent will be allocated toward Class Members who are
 11 residents of nonrepealer states. Second, within each allocation, the funds
 will be distributed *pro rata* to claimants based on the total number of
 covered products purchased from January 1, 2000, through May 31, 2011.

12 (Dkt. No. 2516, at 4:7-13.)”

13 7. As a result, I have been asked by the parties to design a Notice Plan to provide
 14 notice to the Settlement Class for Round 1 Settlement, Round 2 Settlements, and Round 3
 15 Settlements regarding an updated Distribution Plan, new objection deadline, and a schedule for
 16 final approval. As directed by the Court in the Order, the proposed Notice Plan will set forth the
 17 plan for distributing by the same methods previously approved by the Court. This declaration
 18 will detail the proposed Notice Plan.

19 **OVERVIEW**

20 8. This declaration will describe the proposed Notice Plan and the notices to the
 21 Settlement Class themselves (“Notices”) regarding the updated Settlement Distribution Plan in
 22 the United States District Court for the Northern District of California. As described in my
 23 previous declarations, it is my understanding that the Settling Defendants agreed to Settlements to
 24 resolve claims that they allegedly conspired to fix the price of lithium-ion cylindrical battery
 25 cells. This alleged conspiracy potentially caused individuals and businesses to pay more for
 26 lithium-ion batteries, battery packs, and products containing them.

NOTICE PLAN DETAIL

9. The proposed Notice Plan is designed to provide notice to Settlement Class Members in the same manner as the Settlement Notice Plan efforts previously designed and implemented by Hilsoft for this case. The proposed Notice Plan is designed to provide notice to Settlement Class Members through the use of individual notice and paid and earned media.

10. Individual notice will be provided via email to all Settlement Class Members (for the Round 1 Settlement, the Round 2 Settlements, and the Round 3 Settlements) with a valid email address (approximately 8.6 million unique Settlement Class Members).

11. To guide the selection of measured media in reaching unknown members of the Class, the Notice Plan has a primary target audience of: Adults 25 years of age and older who purchased portable computers, power tools, camcorders, or replacement batteries. Adults 25 years of age and older were chosen as the target because the end of the Class Period was more than nine years ago.

NOTICE PLAN
Individual Notice

12. Individual notice will consist of an Email Notice sent to all known Settlement Class Members with a deliverable email address from the previous Settlement Notice efforts and to any new email addresses provided by Settlement Class Members on claim forms submitted to Epiq.

13. Earlier this year, Epiq sent Email Notices to 10,016,842 Settlement Class Members' email addresses in connection with the Round 3 settlements, with Notice to 8,644,334 unique Settlement Class Members known to be deliverable. For this Proposed Notice Program, these same 8,644,334 Settlement Class Members' email addresses will be sent an Email Notice regarding the renewed settlement approval proceedings along with the proposed changes to the Distribution Plan.

14. The Email Notice will be created using an embedded HTML text format. This format will provide text that is easy to read without graphics, tables, images, and other elements that would increase the likelihood that the message could be blocked by Internet Service

Providers (ISPs) and/or SPAM filters. The emails will be sent using a server known to the major email providers as one not used to send bulk “SPAM” or “junk” email blasts. Also, the emails will be sent in small groups so as to not be erroneously flagged as a bulk junk email blast. Each Email Notice will be transmitted with a unique message identifier. If the receiving email server cannot deliver the message, a “bounce code” will be returned along with the unique message identifier. For any Email Notice for which a bounce code is received indicating that the message is undeliverable, at least two additional attempts will be made to deliver the Email Notice.

15. The Email Notice will include the website address of the existing case website (www.ReverseTheCharge.com). By accessing the website, recipients will be able to access the Long-Form Notice regarding the updated Distribution Plan, the new objection deadline, the Settlement Agreements, and other information about the Settlements. The proposed Email Notice is included as **Exhibit 1** to this declaration.

16. Additionally, a copy of the Long-Form Notice will be mailed to all persons who request one via the toll-free phone number or by mail. The Long-Form Notice will also be available to download or print at the website. The proposed Long-Form Notice is included as **Exhibit 2** to this declaration.

Digital Banner Notice

17. The Proposed Notice Plan includes digital banner advertisements targeted specifically to Settlement Class Members. The Banner Notice will provide the Class with additional opportunities to be apprised of the Settlements and their rights under them.

18. Banner advertisements will appear on *Google’s Ad Network* (formerly *Google’s DoubleClick Network*) and *Verizon Ad Network* (formerly *Yahoo! Ad Network*) in English and Spanish. These banner advertisements will appear on a rotating schedule in multiple ad sizes across desktop and mobile devices in both English and Spanish.

19. Banner advertisements will also be displayed on *Facebook* and *Instagram*. These sites are among the leading group of social network sites in the United States. On *Facebook*, when a user logs into their account they are presented with their homepage. Banners will appear in their newsfeed for desktop and mobile notice, as well as in the right-hand column next to the

newsfeed for desktop computers. Notices on *Instagram* will appear in a user's feed alongside other posts and tweets. These banner advertisements will appear on a rotating schedule in custom ad sizes across desktop and mobile devices in both English and Spanish. In addition, a posting will be placed on the existing "Reverse the Charge" *Facebook* page to the more than 6,500 current followers of the *Facebook* page.

20. A summary of the Digital Banner Notice effort is as follows:

<i>Network/Property</i>	<i>Banner Size</i>	<i>Duration</i>	<i>Impressions</i>
<i>Google & Verizon Ad Networks</i>	300x250; 728x90; 970x250; 300 x 600	4 weeks	50,000,000
<i>Facebook & Instagram</i>	Custom	4 weeks	45,000,000
<i>TOTAL</i>			95,000,000

21. Combined, approximately 95 million adult impressions will be generated by these Banner Notices, which will run for a four-week period. Clicking on the Banner Notice will bring the reader to the case website where they can obtain detailed information about the case. An example of a proposed Banner Notice is included as **Exhibit 3**.

Targeted Digital Media

22. In addition to traditional digital targeting, we also incorporate a hyper-targeted strategy. Behavioral, context and select placement strategies will be used to reach Settlement Class Members online.

23. Behavioral targeting uses a person's online patterns that relate to consumer electronics, cordless power tools, replacement batteries, and other related topics to identify and serve them an ad as they navigate the internet. Contextual targeting places ads alongside online articles, blogs, and content that specifically contain keywords and phrases in line with lithium-ion cylindrical battery products. Select placement of Notices on specific websites likely to be effective in providing notice to Settlement Class Members affected by the Settlements. This will include consumer electronics sites as well as premier news, sports, weather, and entertainment websites. All sites that are performing well will be segmented for increased presence, which will

1 result in premium placement across desktop and mobile platforms. Additionally, we will
2 remarket notice to those who have visited the settlement website.

3 **Placing Notices to Be Highly Visible**

4 24. The Notices will be designed to be highly visible and noticeable. Since not all
5 placements are equal, extra care will be taken to place Notices in positions to generate visibility
6 among potential Settlement Class Members.

7 25. In digital, placement will be sought above the fold¹ on the websites when
8 available. *Facebook* and *Instagram* advertisements will appear within the user's news feed on
9 computers and within the newsfeed on mobile. *Facebook* advertisements will also appear on the
10 right-hand side of the user's news feed on computers.

11 26. The Banner Notices will appear in multiple sizes, which may include:

12 Leaderboard

- 13 • Horizontal, 728 x 90 pixels
- 14 • Located at the top of the screen

15 Big Box or Box (also known by other similar names)

- 16 • Square Box, 300 x 250 pixels
- 17 • Can be located on left or right side of screen

18 Half Page

- 19 • Vertical box, 300 x 600 pixels
- 20 • Can be located on left or right side of screen

21 Billboard

- 22 • Horizontal, 970 x 250 pixels
- 23 • Similar to Leaderboard but slightly larger; typically at top of screen

24 **Sponsored Internet Search Listings**

25 27. To help Settlement Class Members locate the case website, sponsored search
26 listings will be acquired on *Google*, *Yahoo!* and *Bing*. When search engine visitors search on
27 common keyword combinations such as, "Battery Powered Tools," "Battery Settlement" or
28 "Lithium Batteries" the sponsored search listing will be generally displayed at the top of the page
prior to the search results or in the upper right-hand column.

¹ The term "above the fold" refers to the portion of a website that can be viewed by a visitor, typically without the need to scroll down the page.

1 28. The Sponsored Search Listings will be provided to search engine visitors across
2 the United States and will assist Settlement Class Members in finding and accessing the case
3 website.

4 **Informational Release**

5 29. To build additional reach and extend exposures, an Informational Release will be
6 issued to approximately 15,000 media outlets, including newspapers, magazines, national wire
7 services, television, radio and online media in all 50 states. The Informational Release in Spanish
8 will also be issued to the Hispanic newswire. The Hispanic newswire reaches over 7,000 U.S.
9 Hispanic media contacts including online placement of approximately 100 Hispanic websites
10 nationally. The Informational Release also will be distributed to approximately 495 media
11 contacts in the Consumer Electronics industry. The Informational Release will serve a valuable
12 role by providing additional notice exposures beyond that which will be provided by the paid
13 media. There is no guarantee that any news stories will result, but if they do, potential Settlement
14 Class Members will have additional opportunities to learn that their rights are at stake in credible
15 news media, adding to their understanding.

16 **Case Website, Toll-free Telephone Number, and Postal Mailing Address**

17 30. A dedicated website (www.ReverseTheCharge.com) was already created for the
18 previous Settlements in this matter. The website will be updated to provide information about the
19 Settlement Distribution Plan, including dates and deadlines associated with the Settlements. All
20 other features of the case website remain the same. Settlement Class Members will continue to be
21 able to obtain detailed information about the case and review documents for these Settlements,
22 including the full Long-Form Notice (in English and Spanish), the Settlement Agreements, the
23 Preliminary Approval Order, and other documents. Answers to Frequently Asked Questions
24 (FAQs) also will be updated as appropriate.

25 31. The case website address will be displayed prominently on all Notice documents.
26 The Banner Notices will link directly to the case website.

27 32. The existing toll-free phone number (1-855-730-8645) will continue to be used to
28 allow Settlement Class Members to call for additional information, listen to answers to FAQs and

1 request that a Long Form Notice be mailed to them. The toll-free number will be displayed
2 prominently in the Notice documents as appropriate. This automated system is available 24 hours
3 per day, 7 days per week.

4 33. The existing post office box that was established for the Settlement will continue
5 to be available and will allow Settlement Class Members to contact the claims administrator by
6 mail with any specific requests or questions.

7 **Objections**

8 34. A new deadline for Settlement Class Members to object will be established by the
9 Court and will be included in the Notices. All Settlement Class Members will have an
10 opportunity to object to the settlement by the established deadline.

11 **Estimated Costs of Notice and Administration**

12 35. The Notice Plan (emailed notice and digital media) is estimated to cost
13 approximately \$114,000. Related administration activities (class member support, website, toll-
14 free and professional services) are estimated to cost approximately an additional \$25,000. Thus,
15 the total additional estimated notice and administration cost is \$139,000.

16 **CONCLUSION**

17 36. In class action notice planning, execution, and analysis, we are guided by due
18 process considerations under the United States Constitution, by federal and local rules and
19 statutes, and further by case law pertaining to class notice. The Proposed Notice Plan is designed
20 to provide notice to Settlement Class Members in the same manner as the Settlement Notice Plan
21 efforts previously designed and implemented by Hilsoft for this case. In my opinion, all notice
22 requirements will be met in this case.

23 37. The Notice Plan schedule will afford enough time to provide full and proper notice
24 to Settlement Class Members before the objection deadline.

1 I declare under penalty of perjury that the foregoing is true and correct. Executed on
2 September 10, 2020.

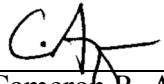
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Exhibit 1

If You Bought Electronics Such as a Portable Computer, Power Tool, Camcorder, or Mobile Phone Containing a Lithium Ion Battery or a Replacement Battery from January 1, 2000 through May 31, 2011

The Amount of Money You Could Receive from \$113.45 Million in Settlements May Have Changed and Your Legal Rights May Be Affected

A Federal Court authorized this Notice. This is not a solicitation from a lawyer.

What Are The Settlements?

Several manufacturers of lithium ion batteries¹ have agreed to pay \$113.45 million in Settlements to resolve claims that they fixed the price of Lithium-Ion Batteries, causing individuals and businesses to pay more for products like portable computers, power tools, camcorders, mobile phones, or replacement batteries for any of these products. A federal court previously approved the Settlements but is now considering whether to finally approve a Revised Settlement Distribution Plan.

A more detailed notice, which includes additional information about the settlements, is available at the settlement website (www.reversethecharge.com) or by calling 1-855-730-8645.

What Is This Notice About?

You are receiving this email because you may be a Class Member and the proposed plan to distribute funds from the settlements has changed. There is a deadline to object before the Court decides whether to grant final approval of the Revised Settlement Distribution Plan.

Am I Included?

If you indirectly bought a lithium ion battery or battery pack made by the Settling Defendants during the period from January 1, 2000 through May 31, 2011, you may be affected by the change to the distribution plan. This includes finished products that contain such batteries, including: (i) portable computers; (ii) power tools; (iii) camcorders; (iv) mobile phones, tablet computers, cameras and digital audio players; or (iv) a replacement battery for any of these products. Purchasers of the finished products in category (iv) or non-specified products may only make claims against the proceeds of the Sony settlement. “Indirectly” means the product was purchased from someone other than the battery manufacturer, such as a retail store.

What is the Revised Settlement Distribution Plan?

The Settlement Fund is \$113.45 million. After deducting Court-approved attorneys’ fees, service awards, notice and administration costs, and litigation expenses, the remaining Net Settlement Fund will be divided into two funds. 90% of the Net Settlement Fund will be available for distribution to Class Members who are residents of the following Repealer States: Alabama, Arizona, Arkansas, California, District of Columbia, Florida, Hawaii, Illinois, Iowa, Kansas, Maine, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Nevada, New Hampshire, New Mexico, New York, North Carolina, North Dakota, Oregon, South Dakota, Tennessee, Utah, Vermont, West Virginia, and Wisconsin. All other states and/or jurisdictions are “Non-Repealer” States. The rest (10% of the Net Settlement Fund) will be available for distribution to Class Members who are residents of other states. However, the plan for distributing the Settlement Funds is not final and may be changed by the Court after considering any and all objections by Class Members. If the Court determines that further changes to the allocation of the Settlement Funds are appropriate, those changes will be posted on the settlement website

¹ The “Settling Defendants” are Sony Corporation, Sony Energy Devices Corporation, and Sony Electronics Inc. (collectively “Sony”); LG Chem, Ltd. and LG Chem America, Inc. (“LG Chem”); Hitachi Maxell Ltd. and Maxell Corporation of America (“Hitachi Maxell”); NEC Corporation (“NEC”); Samsung SDI Co., Ltd. and Samsung SDI America, Inc. (“SDI”); TOKIN Corporation (“TOKIN”); Toshiba Corporation (“Toshiba”); and Panasonic Corporation, Panasonic Corporation of North America, SANYO Electric Co., Ltd., and SANYO North America Corporation (“Panasonic”),.

(www.reversethecharge.com), which also provides more details about the Settlements. The Court has the discretion not to pay any “de minimis” claims where the value of the claim does not justify the cost of distribution.

How Has the Distribution Plan Changed?

Previously, the proceeds of the Sony settlement were to be distributed regardless of the Class Member’s state of residence. The other settlements were to be distributed differently based on state of residence, as described above. Under the new plan, the Sony settlement proceeds will be distributed in the same way as the other settlements, according to the state of residence.

How Can I Get A Payment And How Much Will I Receive?

Money from all settlements in this case will be distributed together on a per-device basis, but the amount you receive from each settlement will depend on the Court-approved Revised Settlement Distribution Plan as outlined above. If final approval is granted to the Revised Settlement Distribution Plan, Class Members who have already filed a valid and timely claim will receive cash payments once the Settlements have become final, which may not be for some time. The deadline to file a claim has already passed. The deadline was July 19, 2019. If you did not already file a claim, you will not receive a cash payment from the Settlements.

What Are My Rights?

You may object to the Revised Settlement Distribution Plan in writing by **Month xx, 20xx**. The Settlement Agreements, along with details on how to object to the Revised Settlement Distribution Plan, are available at the settlement website (www.reversethecharge.com).

The Court will hold a Final Fairness Hearing on **Month xx, 2020**, at 2:00 p.m., to consider whether to approve or modify the Revised Settlement Distribution Plan. The hearing will be conducted on a Zoom platform with the link posted on the Court’s PACER site and at the settlement website (www.reversethecharge.com). If you object, you or your own attorney may appear and speak at the hearing to comment on the Revised Settlement Distribution Plan, but you are not required to appear. The hearing may be moved to a different date or time without additional notice, so it is a good idea to check the website for additional information. Please do not contact the Court about this case. Detailed information is available at the settlement website (www.reversethecharge.com) or by calling 1-855-730-8645.

If you wish to UNSUBSCRIBE from future email messages from the Claims Administrator with regard to this Settlement, please click on this [link](#).

Exhibit 2

If You Bought Electronics Such as a Portable Computer, Power Tool, Camcorder, or Mobile Phone Containing a Lithium Ion Battery or a Replacement Battery from January 1, 2000 through May 31, 2011

The Amount of Money You Could Receive from \$113.45 Million in Settlements May Have Changed and Your Legal Rights May Be Affected

A Federal Court authorized this Notice. This is not a solicitation from a lawyer.

- This Notice provides a summary of the lawsuit, the Settlements, recent changes to the proposed plan to distribute funds from the Settlements, and an extended deadline to object to the proposed Revised Settlement Distribution Plan. To obtain additional details concerning the Settlements, please read this entire Notice and the Settlement Agreements, available at www.reversethecharge.com, carefully.
- The following rights and options - and deadlines to exercise them - have changed, as explained in this Notice.**

YOUR LEGAL RIGHTS AND OPTIONS		
YOU MAY:		DUE DATE:
DO NOTHING NOW	You will be included in the Settlements with all Settling Defendants. If you previously filed a claim in the Settlements discussed in Paragraph 8 below, you may receive a portion of the settlement fund pursuant to the Court-approved Settlement Distribution Plan.	N/A
OBJECT TO THE SETTLEMENT DISTRIBUTION PLAN	You can write to the Court explaining why you disagree with the Settlement Distribution Plan.	Month XX, 2020
GO TO THE HEARING	Ask to speak in Court about your opinion of the Settlement Distribution Plan.	Month XX, 20xx

- A class action lawsuit has been brought on behalf of indirect purchasers of products that contained Lithium-Ion Batteries ("Li-Ion Batteries"), such as: (i) portable computers; (ii) power tools; (iii) camcorders; (iv) mobile phones; or (v) a replacement battery for any of these products. Indirect purchasers include consumers, businesses, and California local governments who purchased their products from someone other than the battery manufacturer, such as a retail store.
- Plaintiffs claim that Defendants (listed below) and co-conspirators engaged in an unlawful conspiracy to fix, raise, maintain, or stabilize the prices of Lithium Ion Battery Cells ("Li-Ion Cells"). Plaintiffs further claim that purchasers of the products listed above containing Lithium-Ion Batteries may recover for the effect that the conspiracy had on the prices of these devices. Plaintiffs allege that, as a result of the unlawful conspiracy involving Li-Ion Cells, they and other indirect purchasers paid more for these products and replacement batteries than they would have paid absent the conspiracy. Defendants deny Plaintiffs' claims.
- Settlements have been reached with Sony Corporation, Sony Energy Devices Corporation, and Sony Electronics Inc. (collectively "Sony"); LG Chem, Ltd. and LG Chem America, Inc. ("LG Chem"); Hitachi Maxell Ltd. and Maxell Corporation of America ("Hitachi Maxell"); NEC Corporation ("NEC"); Samsung SDI Co., Ltd. and Samsung SDI America, Inc. ("SDI"); TOKIN Corporation ("TOKIN"); Toshiba Corporation ("Toshiba"); and Panasonic Corporation, Panasonic Corporation of North America, SANYO Electric Co., Ltd., and SANYO North America Corporation ("Panasonic") (collectively, the "Settling Defendants").
- The Court in charge of these cases previously approved the Settlements. It is now considering whether to finally approve a Revised Settlement Distribution Plan, as more fully described herein. Payments will be made (1) after the Court approves all Settlements, along with the Revised Settlement Distribution Plan, (2) after any appeals are resolved, and (3) after the Court-approved payment of attorneys' fees, expenses, and service awards to Class Representatives.

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BASIC INFORMATION**1. What Is This Notice About?**

This Notice is to inform you about updates to the Settlement Distribution Plan reached in this litigation, before the Court decides whether to finally approve the Settlement Distribution Plan. This Notice explains the lawsuit, the Settlements, and your legal rights. The Court in charge is the United States District Court for the Northern District of California. This litigation is known as *In re Lithium Ion Batteries Antitrust Litigation - All Indirect Purchaser Actions*, MDL No. 2420. The people who sued are called the "Plaintiffs." The companies they sued are called the "Defendants."

Previously, the Court granted final approval of the Settlements with the Settling Defendants. Subsequently, an appeal was filed with the United States Court of Appeals for the Ninth Circuit ("Ninth Circuit") regarding aspects of the Court's certification of a nationwide class and a pro rata distribution plan as part of the final approval. Recently, the Ninth Circuit vacated (eliminated) the Court's final approval order related to the settlements with LG Chem, Hitachi Maxell, and NEC, and remanded (sent) the case back for further proceedings before the Court. Since then, the Court has ruled that the Settlements with all Settling Defendants should have the same plan of allocation and distribution of settlement funds. The details of the Revised Settlement Distribution Plan are set forth in this Notice.

The Court has yet to decide this matter.

2. What Is This Lawsuit About?

The lawsuit alleges that Defendants and co-conspirators conspired to raise and fix the prices of Li-Ion Cells for over ten years, resulting in overcharges to buyers of batteries, battery packs, and products such as portable computers, camcorders, power tools, and mobile phones containing Li-Ion Batteries. The complaint describes how the Defendants and co-conspirators allegedly violated the U.S. and state antitrust, unfair competition, and consumer protection laws by agreeing to fix prices and restrict output of these cells by, among other things, face-to-face meetings and other communications, customer allocation, and the use of trade associations. Defendants deny Plaintiffs' allegations. The Court has not decided who is right.

3. Why Are There Settlements?

This Notice concerns Settlements with all Settling Defendants—Sony, LG Chem, Hitachi Maxell, NEC, SDI, TOKIN, Toshiba, and Panasonic—which effectively end this litigation. Paragraph 8, below, provides information about the benefits of all Settlements.

4. What Are Li-Ion Cells, Li-Ion Packs, Li-Ion Batteries, And Finished Products?

For purposes of the Settlements:

- “Lithium Ion Battery Cell(s)” or “Li-Ion Cells” means cylindrical, prismatic, or polymer cells used for the storage of power that are rechargeable and uses lithium ion technology.
- “Lithium Ion Battery Pack(s)” or “Li-Ion Packs” means Lithium Ion Battery Cells that have been assembled into packs, regardless of the number of Lithium Ion Cells contained in such packs.
- “Lithium Ion Battery” or “Li-Ion Battery” means a Lithium Ion Battery Cell or Lithium Ion Battery Pack.
- “Finished Product” means any product and/or electronic device that contains a Lithium Ion Battery, including but not limited to laptop PCs, notebook PCs, netbook computers, tablet computers, mobile phones, smart phones, cameras, camcorders, digital video cameras, digital audio players, and power tools.

5. Why Is This A Class Action?

In a class action, one or more people called the “Class representatives” sue on behalf of themselves and other people with similar claims. All of these people together are the “Class” or “Class Members.” In a class action, one court may resolve the issues for all Class Members, except for those who have excluded themselves from the class.

THE SETTLEMENTS**6. How Do I Know If I May Be Included In The Class Or If My Rights Are Affected?**

The Class includes all persons and entities who, as residents of the United States and during the period from January 1, 2000 through May 31, 2011, purchased new for their own use and not for resale one products which contained a lithium-ion battery manufactured by one or more Defendants in this lawsuit or their co-conspirators, such as: (i) a portable computer; (ii) a power tool; (iii) a camcorder; (iv) mobile phones, tablet computers, cameras and digital audio players; or (v) a replacement battery for any of these products. Purchasers of the finished products in category (iv) or non-specified products may only make claims against the proceeds of the Sony settlement.

The specific definition of who is included in the Class is set forth in the Settlement Agreements. The Settlement Agreements, and the related Complaints, are accessible on the website www.reversethecharge.com. Payments to Class Members will be made only: (1) after the Court approves all Settlements, along with the revised Settlement Distribution Plan and, (2) after any appeals are resolved, and (3) after the Court-approved payment of attorneys’ fees, expenses, and service awards to Class Representatives. A revised Settlement Distribution Plan was provided by the Court in an Order issued on August 27, 2020. The revised Settlement Distribution Plan, as approved by the Court, will determine the amount, if any, that each Class Member will receive.

7. What is the Revised Settlement Distribution Plan?

The settlements total \$113.45 million. After deducting Court- approved attorneys’ fees, service awards, notice and administration costs, and litigation expenses, the remaining Net Settlement Fund will be divided into two funds, a Repealer Fund and a Non-Repealer Fund. The Repealer Fund (90% of the Net Settlement Fund) will be available for distribution to Class Members who are residents of the following Repealer States: Alabama, Arizona, Arkansas, California, District of Columbia, Florida, Hawaii, Illinois, Iowa, Kansas, Maine, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Nevada, New Hampshire, New Mexico, New York, North Carolina, North Dakota, Oregon, South Dakota, Tennessee, Utah, Vermont, West Virginia, and Wisconsin. All other states and/or jurisdictions are “Non-Repealer” States. The Non-Repealer Fund (10% of the Net Settlement Fund) will be available for distribution to Class Members who are residents of Non-Repealer States. However, the plan for distributing the Settlement Funds is not final and may be changed by the Court after considering any and all objections by Class Members. If the Court determines that further changes to the allocation of the Settlement Funds between the Repealer Fund and the Non-Repealer Fund are appropriate, those changes will be posted on the settlement website (www.reversethecharge.com), which also provides more details about the Settlements), according to state of residence. The Court has the discretion not to pay any “de minimis” claims where the value of the claim does not justify the cost of distribution.

Previously, the proceeds of the Sony settlement were to be distributed regardless of the Class Member’s state of residence. The other settlements were to be distributed differently based on state of residence, as described above. Under the new plan, the Sony settlement proceeds will be distributed in the same way as the other settlements.

HOW TO GET BENEFITS FROM THE SETTLEMENTS

8. How Much Money Can I Get?

Money from all settlements in this case will be distributed together on a per-device basis, but the amount you receive from each settlement will depend on the Court-approved Revised Settlement Distribution Plan. For all Settlements, the amount Class Members will be paid has changed to the following:

Every Class Member who already filed a valid claim will have that claim applied against the Repealer Fund or Non-Repealer Fund, depending on the Class Member's state of residence. As noted above, 90% of the Net Settlement Fund will be distributed to the Repealer-State residents, and 10% of the Net Settlement Fund will be distributed to Non-Repealer-State residents. The amount available for distribution will be affected by any awards made by the Court against the funds for attorneys' fees, reimbursement of costs, or service awards for the Class representatives. How much each Class Member receives will also depend on the number of claims made from Repealer and Non-Repealer states and a balancing of the cost of distribution with the amount to be distributed to each Class Member.

Any remaining balance after an initial distribution of the Settlement Funds to qualified claimants will be redistributed to Class Members or, if redistribution is too costly compared with the amount of the remaining balance, such funds will escheat to federal or state governments. No money will return to the Settling Defendants once the Court finally approves the Revised Settlement Distribution Plan.

9. How And When Will I Get A Payment?

No money will be distributed yet. If final approval is granted as to the Revised Settlement Distribution Plan, Class Members who have already filed a valid and timely claim will receive cash payments and may receive them through an online payment system (such as Amazon, PayPal, or Google Wallet). If you are a Class Member with valid and timely claims and prefer to receive a physical check, please submit a written request to Lithium Batteries Indirect Purchaser Settlements, c/o Epiq, P.O. Box 10194, Dublin, OH 43017-3194. The deadline to file a claim has already passed. The deadline was July 19, 2019. If you did not already file a claim, you will not receive a cash payment from the Settlements.

The timing of the distribution will be requested by the Plaintiffs' lawyers and approved by the Court. It may not occur until all Settlements are final, and after resolution of any appeals. All Settlement Funds that remain after payment of the Court-ordered attorneys' fees, service awards, costs, and expenses will be distributed within 45 days of the final judgment (which includes resolution of any appeals), unless modified by the Court.

THE LAWYERS REPRESENTING YOU

10. Do I Have A Lawyer Representing Me?

The Court has appointed the following lawyers as Class Counsel to represent you and all other members of the Class:

Adam Zapala, Esq. Cotchett, Pitre & McCarthy, LLP San Francisco Airport Office Center 840 Malcolm Road, Suite 200 Burlingame, CA 94010 batteries@cpmlegal.com	Shana Scarlett, Esq. Hagens Berman Sobol Shapiro LLP 715 Hearst Avenue, Suite 202 Berkeley, CA 94710 batteries@hbsslaw.com	Brendan P. Glackin, Esq. Lief Cabraser Heimann & Bernstein, LLP 275 Battery Street, 29th Floor San Francisco, CA 94111 lithiumbatteries@lchb.com
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You will not be charged for these lawyers. If you want to be represented by your own lawyer, you may hire one at your own expense.

11. How Will The Lawyers And Class Representatives Be Paid?

The attorneys' fees, costs, expenses, and service awards that the Court orders, plus the costs to administer the Settlements, will be paid from the cumulative Settlement Fund.

OBJECTING TO THE SETTLEMENT DISTRIBUTION PLAN

12. How Do I Object To Or Comment On The Revised Settlement Distribution Plan?

You can ask the Court to deny final approval of the Revised Settlement Distribution Plan by filing an objection.

Any objection to the proposed Settlement Distribution Plan must be in writing. If you file a timely written objection, you may, but are not required to, appear at the Final Approval Hearing, either in person or through your own attorney. If you appear through your own attorney, you are responsible for hiring and paying that attorney. All written objections and supporting papers must:

- Specify your name, address, and telephone number;
- Clearly identify the case name, number, and settlement (*In re Lithium Ion Batteries Antitrust Litigation - All Indirect Purchaser Actions*, MDL No. 2420, Indirect Purchaser Settlements);
- Be submitted to the Court either by mailing it to the Clerk of the Court, United States District Court for the Northern District of California, 1301 Clay Street, Suite 400S, Oakland, CA 94612, or by filing them in person at any location of the United States District Court for the Northern District of California; and

- Be filed or postmarked on or before Month xx, 2020.

THE FINAL FAIRNESS HEARING

The Court will hold a hearing to decide whether to approve the Settlement Distribution Plan. You may attend and you may ask to speak, but you do not have to do so.

13. When And Where Will The Court Decide Whether To Approve The Revised Settlement Distribution Plan?

The Court will hold a Final Fairness Hearing on Month xx, 20xx, at 2:00 p.m. The hearing will be conducted on a Zoom platform with the link posted on the Court's PACER site and at the settlement website (www.reversethecharge.com). The hearing may be moved to a different date or time without additional notice, so check the Court's PACER site or the settlement website (www.reversethecharge.com), or call 1-855-730-8645 to confirm the date has not been changed. At this hearing, the Court will consider whether the Revised Settlement Distribution Plan is fair, reasonable, and adequate. If there are objections or comments, the Court will consider them at that time and may listen to people who have asked to speak at the hearing. At or after the hearing, the Court will decide whether to approve or modify the Revised Settlement Distribution Plan.

14. Do I Have To Attend The Hearing?

No. Class Counsel will answer any questions the Court may have. But you are welcome to attend at your expense. If you send an objection or comment, you do not have to come to Court to talk about it. As long as you mailed your written objection on time, the Court will consider it. You may also hire your own lawyer at your own expense to attend on your behalf, but you are not required to do so.

15. May I Speak At The Hearing?

If you send an objection or comment on the Settlement Distribution Plan, you may have the right to speak at the Final Fairness Hearing as determined by the Court.

GET MORE INFORMATION

16. How Do I Get More Information?

This Notice summarizes the Settlements. More details are in the Settlement Agreements. You can get copies of the Settlement Agreements and more information about the Settlements at www.reversethecharge.com. You also may write with questions to Lithium Batteries Indirect Purchaser Settlements, c/o Epiq, P.O. Box 10194, Dublin, OH 43017-3194 or call the toll-free number 1-855-730-8645.

**DO NOT CONTACT THE COURT, THE OFFICE OF THE CLERK OF THE COURT,
DEFENDANTS OR THEIR COUNSEL REGARDING THIS NOTICE**

Dated: Month xx, 2020

By Order of the Court
United States District Court
Northern District of California

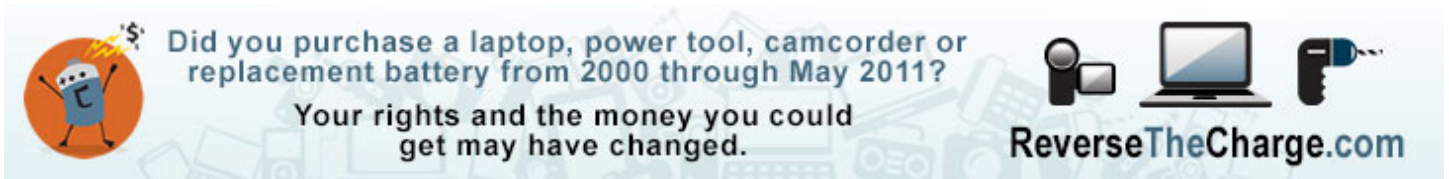
Exhibit 3

Lithium Ion Battery **Banner Advertisement**

Google Display & Yahoo! –

728x90 Display Banner

Static Ad



Did you purchase a laptop, power tool, camcorder or replacement battery from 2000 through May 2011?

Your rights and the money you could get may have changed.

ReverseTheCharge.com

The banner features a light blue background with faint icons of various electronic devices. On the left is a cartoon battery character with a face, arms, and legs, emitting a dollar sign. On the right are icons of a camcorder, a laptop, and a power drill.

300x250 Display Banner

Static Ad



Did you purchase a laptop, power tool, camcorder or replacement battery from 2000 through May 2011?

Your rights and the money you could get may have changed.

ReverseTheCharge.com

The banner has a light blue background with white clouds at the top. It features the same cartoon battery character on the left and icons of a camcorder, a laptop, and a power drill in the center.

Facebook –

Desktop Newsfeed Banner
Static Ad

 **Reverse The Charge**
Sponsored · 

Did you purchase a laptop, power tool, camcorder or replacement battery from 2000 through May 2011? If so, your rights may have changed.



Did you purchase any of these from 2000 through May 2011?



Your rights may have changed.




WWW.REVERSETHECHARGE.COM

Lithium Ion Battery Settlement [Learn More](#)


Did you buy a laptop, cordless power tool, camcorder,...

 Like  Comment  Share


Mobile Newsfeed Banner–
Static Ad

 **Reverse The Charge**
Sponsored ·  

Did you purchase a laptop, power tool, camcorder or replacement battery from 2000 through May 2011? If so, your [...See More](#)






Did you purchase any of these from 2000 through May 2011?



Your rights may have changed.

WWW.REVERSETHECHARGE....

Lithium Ion Battery Settlement [LEARN MORE](#)

 Like  Comment  Share

**Desktop Right Column Banner –
Static Ad**



Lithium Ion Battery Settlement

www.ReverseTheCharge.com

Purchasers of laptops, power tools, camcorders or replacement Lithium Ion batteries.

Instagram –

Newsfeed Banner

Static Ad

